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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 22 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Carriage of the Transmissions)
of Digital Television) CS Docket No. 98-120
Broadcast Stations)
)
Amendments to Part 76 of)
the Commission's Rules)

To: The Commission

REPLY COMMENTS OF NATIONAL DATACAST, INC.

1. National Datacast, Inc., a for-profit subsidiary of the Public Broadcasting Service (PBS) which manages the nationwide commercial data distribution and broadcasting services utilizing the vertical blanking interval of public television stations, generally supports the Reply Comments of the Association of America's Public Television Stations (APTS), the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS) filed this date.

2. The opening Comments and Reply Comments of APTS, CPB and PBS provide some examples of the new and diverse ways that the digital spectrum may be used to expand educational capabilities far beyond that possible in single-channel analog-based broadcasting. In that process, there may also be digital data services that provide program-related information and otherwise extend the value of video-based programming and services similar to the present use of the vertical blanking interval by National Datacast, Inc.

3. To reiterate a statement in our opening Comments, as public television engages in digital-based 21st Century

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broadcasting, the growth and diversity of educational capabilities can reasonably be expected to grow even beyond today's vision. Accordingly, in fashioning its must carry regulations, the Commission should adopt a flexible approach that embraces, and will continue to embrace, the public broadcast landscape of the future...including multiple streams of public television programs and services, supplemental educational resource materials and tools pertaining to such programming and services, or to the subject matter thereof, and other multiplex uses of the spectrum relating to and/or supporting programming and services within the statutory mission of public television.

4. The Comments submitted by the United Church of Christ Office of Communications, et al, at 14-15, generally support must carry requirements for public television digital services and also raise an issue of permissible digital spectrum use. The Commission has recently issued a Notice of Proposed Rule Making on the Ancillary or Supplementary Use of Digital Television Capacity by Noncommercial Licensees to consider the permissible use of the digital spectrum by public television licensees. Therefore, we will not address here the issue of permissible spectrum use.

5. National Datacast, Inc. generally supports Comments filed by Gemstar International Group Limited and StarSight Telecast, Inc., whose "electronic program guide" is transmitted on the vertical blanking intervals of some public television

stations.¹ As National Datacast, Inc. envisions the future of digital broadcasting, public television may provide a comprehensive "electronic information guide" to navigate interested viewers through the wide and proliferating variety of public television video and nonvideo program and other services, as broadcast by the stations and as available off the air through various means. This will be a unique service, emanating from the day-to-day work of public television stations and related organizations, in their use of evolving new technologies to advance their mission.

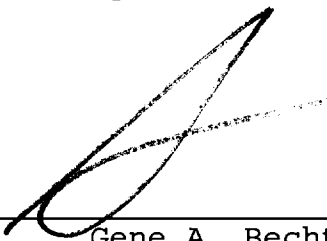
6. Cable systems cannot possibly duplicate such a service, even if they were motivated to do so. Nor can they be allowed to undermine or filter or prioritize what public television has determined essential to its work. It is vital that cable carry unique electronic information and navigational services pertaining to public television, along with the rest of the mission-related programming and services. The Commission's cable carriage rule for public television should extend to the broad range of educational, mission-related services offered by public television stations including all video and data that are a part of or related to such services.

7. This requirement comports with the Cable Television Act

¹ Pending conversion to digital broadcasting, StarSight's electronic program guide and other VBI transmissions containing public television program-related material, such as transmissions of the "WaveTop" service under an agreement between National Datacast, Inc. and WavePhore, Inc., are subject to the must carry requirements pertaining to analog broadcasting.

of 1992, at §2(b)(1), which provides, "It is the policy of the Congress in this Act to -- (1) promote the availability to the public of a diversity of views and information through cable television and other video distribution media." As stated in the Commission's rulemaking notice, at ¶15, "The [Supreme] Court emphasized that...promoting the widespread dissemination of information from a multiplicity of sources, and promoting fair competition in the market for television programming, were important governmental interests." citing Turner Broadcasting System v. FCC, 117 S. Ct. 1174, 1186 (1997).

Respectfully submitted,



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